

### **REMARK**

This is a full and timely response to the outstanding non-final Office Action mailed August 23, 2006. Upon entry of the amendments in this response, claims 9, 13 – 17 and 20 - 23 remain pending. In particular, Applicant has amended claim 9, and has canceled claims 2 and 5 – 8 without prejudice, waiver, or disclaimer. Applicant has canceled claims 2 and 5 – 8 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **Rejections under 35 U.S.C. § 103**

The Office Action indicates that claims 1, 2, 5, 7 – 9, 13, 15 – 17, 20, 22 and 23 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Chen* in view of *Burt* and *Ishihama*. Additionally, the Office Action indicates that claims 6, 13 and 21 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Chen* in view of *Burt* and *Ishihama*, and further in view of *Weldy*. Applicants respectfully traverse the rejections.

In this regard, the Office Action contends that Applicants cannot show nonobviousness by arguing against the references individually. Although technically accurate, this contention appears to have been improperly applied. That is, Applicants are arguing at least one of the features recited in each of the pending claims is not present in any of the references. Stated differently, if Applicants can show that each of

the references, individually, does not teach or reasonably suggest at least one feature recited in a claim, the combination fails to render that claim obvious.

In this regard, the Office Action admits that *Chen* does not disclose cropping of a merged image. However, the Office Action relies on *Burt* for this purpose. Notably, however, the Office Action makes the following contention:

It would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to modify *Chen*, US 6,552,744, in view of *Burt et. al.*, US 5,999,662, to crop a merged or mosaic image and store, in memory of the digital camera, an uncropped portion of the merged image, in order for the user to easily control the selection of a portion of the image to view and save, ***thus saving memory by only saving the desired portion of the image.***  
(Office Action at page 5). (Emphasis added).

Applicants respectfully inquire as to how cropping an image and then saving the cropped image to memory saves memory? In this regard, the memory would include not only the previously uncropped image, but also the newly cropped image. Thus, as is conventionally known, cropping of an image is memory intensive.

The Office Action continues by indicating that:

The *Chen* and *Burt* references do not disclose deleting a cropped portion of the merged image such that information corresponding to the cropped portions of the captured images are no longer stored in the digital camera and is not stored in memory.

Applicant respectfully agrees with this contention. However, *Ishimura* does not remedy this deficiency.

In this regard, *Ishimura* discloses:

At the same time, when the preset magnification rate "N" is more than the maximum magnification rate "Z1", the microcomputer 14 controls the zoom-up lens assembly 28 of the viewfinder 26 so as to magnify the image of the scene at the maximum magnification rate "Z2" and activates the liquid crystal device 32 so as to form an opaque frame-like line thereon. Furthermore, the liquid crystal device 32 operates to provide an inside transparent zone and an outside translucent zone formed inside and outside, respectively, of the opaque frame-like line. The opaque frame-like line and both zones of the liquid crystal device 32 are projected on the display panel 30. The

opaque frame-like line projected on the display panel 30 acts as a rectangular frame 34 surrounding a portion 36 of the image projected through the inside transparent zone of the liquid crystal device 32 on the display panel 30, as seen in FIG. 3. ***The portion 36 of the image surrounded by the frame 34 corresponds to the magnified image to be recorded on the recording medium 24.*** Accordingly, the rectangular frame 34 on the display panel 30 serves for dividing a whole area of the display panel 30 into a clear image area 36 thereinside on which the magnified portion of the image to be recorded is displayed, and a dull image area 38 thereoutside on which the remaining portion of the image to be excluded from the recorded image is displayed. ***The image on the clear image area 36 is actually enlarged at a magnification rate equal to the magnification rate "EZ" of the electronic zoom-up device 20 when it is recorded on the recording medium 24.***

(Ishimura at column 4, lines 8 – 35). (Emphasis added).

Clearly, Ishimura is also not involved with deleting, from a camera, cropped portions of merged images that were formed from images stored in the camera, as generally recited in the claims. Since none of the asserted reference teach or otherwise disclose at least this feature, Applicants respectfully request that the rejections be removed.

In this regard, Applicant claim 9 recites:

9. A method of controlling the operation of a digital camera, comprising:
  - storing, in memory of the digital camera, at least two captured images representing different image views of a scene;***
  - merging, in the digital camera, the at least two captured images to form a merged image;
  - displaying the merged image on a display of the digital camera;
  - deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer present in the digital camera;***
  - storing, in memory of the digital camera, an uncropped portion of the merged image, ***the cropped portion of the merged image not being stored in the memory.***

(Emphasis Added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 9 obvious. Specifically, Applicants respectfully assert that the combination does not teach or

reasonably suggest at least the features/limitation emphasized above in claim 9.

Notably, none of the references disclose “deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer present in the digital camera.” Since none of the references, even if combined, teach or reasonably suggest at least this feature, Applicants respectfully request that the rejection of claim 9 be removed, and that this claim be placed in condition for allowance.

Since claims 13 - 16 are dependent claims that incorporate the limitations of claim 9, and are not otherwise rejected by the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 17, that claim recites:

17. A computer readable medium for controlling the operation of a digital camera, comprising:

logic that merges at least two captured images, which have been stored in memory, corresponding to two different image views of a scene to form a merged image in the digital camera;

logic that stores an uncropped portion of the merged image in memory of the digital camera; and

***logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer present in the digital camera.***

(Emphasis Added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 17 obvious.

Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 17.

Notably, none of the references disclose “logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer

present in the digital camera.” Since none of the references, even if combined, teach or reasonably suggest at least this feature, Applicants respectfully request that the rejection of claim 17 be removed, and that this claim be placed in condition for allowance.

Since claims 20 - 23 are dependent claims that incorporate the limitations of claim 17, and are not otherwise rejected by the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

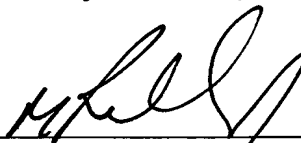
#### **Cited Art Made of Record**

The art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

### CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

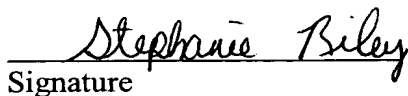
Respectfully submitted,



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